



April 14, 2015

Don Lott
USEPA Headquarters (2249A)
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Subject: Tru RX EPA Co. No. 89609 -- Illegal Misbranding & FIFRA violation

Dear Mr. Lott,

First, thank you for your response concerning the illegal misbranding and FIFRA violation actions of TruRx and their private labeled fipronil + s-methoprene products: PetAction™ Plus, PetLock™ Plus and PetWorks™ Plus. We wanted to let you know the course of action that EPA Region 10 has decided upon.

It is our understanding that EPA Region 10 is allowing Ceva/Horizon and TruRx to correct their labels and EPA Establishment Number without issuing any fines or stop sale. TruRx will only make corrections to the product that is not yet on shelves.

Not only are TruRx's actions inconsistent with federal EPA guidelines, their products are also misbranded from a consumer marketing perspective. Consequently, Merial, Inc., the manufacturer and distributor of Frontline Plus, has now filed suit against Ceva/Horizon and TruRx for the following:

1. false or misleading advertising, including unlawful comparative advertising, under the Lanham Act, 15 U.S.C. § 1051, et seq., and unfair competition and deceptive trade practices, including unlawful comparative advertising
2. patent infringement of the '329 patent protecting the combination of fipronil + s-methoprene until August 2016 unless licensed from Merial

I have included a copy of the lawsuit filed by Merial; you will see many parallels referenced to what we have raised.

If you would like to discuss further please contact me at Randy.Canady@CSLifeScience.com or (919) 610-1065. Thank you for your immediate attention to this matter.

Regards,

Randall V Canady
Chief Executive Officer
Promika, LLC

Enclosures

Cc: U.S. EPA Regional Offices
All State Agencies

Reference Documents Enclosed:

1. Merial v. Ceva, et al. Complaint